IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS ABILENE DIVISION

| BETTY BEAVER, |) |
|----------------------------------|----------------------------------|
| |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| MICHAEL J. ASTRUE ¹ , |) |
| Commissioner of Social Security, |) |
| |) Civil Action No. 1:06-CV-007-C |
| Defendant. |) ECF |

ORDER

THIS MATTER comes before the court on the Report and Recommendation filed July 30, 2007 (Doc. 15). No written objections have been filed.

IT IS, THEREFORE, ORDERED that the findings and conclusions in the Report and Recommendation are **ADOPTED** as the findings and conclusions of the court and that this cause is reversed and remanded to the Commissioner for further proceedings pursuant to 405 U.S.C. § 405(g).

Upon remand the ALJ should determine whether Plaintiff's past work as companion was at the level of substantial gainful activity and should determine whether Plaintiff retained the RFC to

¹Michael J. Astrue has been appointed as the new Commissioner of Social Security, effective February 12, 2007, and is therefore substituted as Defendant in this matter for Jo Anne B. Barnhart, per FED. R. CIV. P. 25(d)(1).

return to her past relevant work or the ability to perform other work which exists in significant numbers in the national economy.

Dated August 15, 2007.

SAM R. CUMMINGS

UNITED STATES DISTRICT COURT